

EXHIBIT 2

4/24/2007

LG Philips v. Tatung Company et al
Highly Sensitive-Confidential

Tommy Jue

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG. PHILIPS LCD CO., LTD.,)
)
Plaintiff,)
)
v.) C.A. No. 05-292 (JJF)
)
TATUNG COMPANY; TATUNG)
COMPANY OF AMERICA, INC.;)
CHUNGHWA PICTURE TUBES,)
LTD.; and ViewSonic)
CORPORATION,)
)
Defendants.)
)

COPY

HIGHLY SENSITIVE - CONFIDENTIAL

RULE 30(B)(6) DEPOSITION OF ViewSonic CORPORATION

TOMMY WAYNE JUE

TUESDAY, APRIL 24, 2007

9:22 A.M.

Reported By: Lindsay Pinkham, CSR 3716, RPR, CRP, CRR

DIGITAL EVIDENCE GROUP
1111 16th Street, NW Suite 410
Washington, DC 20036
(202) 232-0646

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES)
3

4 I, Lindsay Pinkham, Certified Shorthand
5 Reporter No. 3716, do hereby certify:

6 That the witness named in the foregoing
7 deposition, prior to being examined was by me first duly
8 sworn;

9 That said deposition was taken before me at the
10 time and place therein set forth and was taken down by
11 me in shorthand and thereafter transcribed into
12 typewriting under my direction and supervision;

13 That said deposition is a true record of the
14 testimony given by the witness and of all objections
15 made at the time of the examination;

16 I further certify that I am neither counsel for
17 nor related to any party to said action, nor in anywise
18 interested in the outcome thereof.

19 In witness whereof, I have subscribed my name
20 this 29th day of April, 2007.

21

22

23



Lindsay Pinkham

24

Certified Shorthand Reporter

No. 3716

25

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SIGNATURE PAGE

6 Case Name: LG Philips v. Tatung, Tatung Co, Viewsonic
7

Witness Name: Tommy Jue

8 Deposition Date: 4/24/2007
9

10 I do hereby acknowledge that I have read
11 and examined the foregoing pages
12 of the transcript of my deposition and that:
13

14 (Check appropriate box):

15 () The same is a true, correct and
16 complete transcription of the answers given by
17 me to the questions therein recorded.

18 () Except for the changes noted in the
19 attached Errata Sheet, the same is a true,
20 correct and complete transcription of the
21 answers given by me to the questions therein
22 recorded.

DATE

WITNESS SIGNATURE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

Plaintiff,

v.

Civil Action No. 04-343 (JJF)

TATUNG COMPANY;
TATUNG COMPANY OF AMERICA, INC.;
AND VIEWSONIC CORPORATION,

Defendants.

NOTICE OF VIDEOTAPED DEPOSITION OF TOMMY JUE

TO:

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PLEASE TAKE NOTICE that Plaintiff LG.Philips LCD Co., Ltd. ("LPL") will take the deposition by oral examination of Tommy Jue on January 8, 2007 at 9:00 a.m. The deposition will take place at The Bayard Firm, 222 Delaware Avenue, 9th Floor, Wilmington, DE 19899-5130. The deposition will be videotaped and taken before a notary public or court reporter, duly

authorized to administer oaths and transcribe the testimony of the deponent(s) and may use technology that permits the real time display of the deposition transcript for attendees who bring a compatible computer. The deposition will continue from day to day until completed or adjourned if authorized by the Court or stipulated by the parties.

December 5, 2006

THE BAYARD FIRM

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on December 5, 2006, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

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The undersigned counsel further certifies that copies of the foregoing document were sent by hand to the above counsel and by email and first class mail to the following non-registered participants:

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Richard D. Kirk

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1 is with him? It's just the answers to defenses.

2 MR. MILLER: Okay.

3 (Plaintiff's Exhibit 102 was
4 marked for identification.)

5 Q BY MR. AMBROZY: So looking at Plaintiff's
6 Exhibit 100, which is the e-mail from Mr. Miller to
7 myself, is it your understanding that you're presented
8 here today on topics 1? And by "1" I'm referring to the
9 first topic in Plaintiff's Exhibit 18, so looking at
10 page 9 of Plaintiff's Exhibit 18.

11 (Brief interruption; discussion
12 off the record.)

13 Q BY MR. AMBROZY: So looking at Plaintiff's
14 Exhibit 18, do you understand that you're being
15 presented here as to topic 1 of Plaintiff's Exhibit 18?

16 A Yes.

17 Q And also, if you look at topic 9, which is on
18 page 11, do you understand that you're being presented
19 on topic 9 as regards to subtopic 2 of ViewSonic's
20 answer and defenses, which is marked as Plaintiff's
21 Exhibit 102?

22 MR. MILLER: Just so the record's clear, the
23 court has given us guidance with regard to the scope of
24 appropriate testimony relating to contentions and
25 assertions. And my understanding -- and in fact,

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1 Mr. Ambrozy and I had a conversation about this last
2 week -- my understanding is that the witness's testimony
3 on issues with regard to, for example, the affirmative
4 defenses, is based on the testimony regarding the
5 structure of the accused products.

6 So we believe, as I think my e-mail indicates,
7 it overlaps topic 1, and have identified him in that
8 capacity. And I don't know that there's a disagreement
9 with regard to the scope of the allowed testimony
10 between the parties, but the witness may not -- I have
11 not had that particular aspect of the discussion with
12 the witness, so he may not be fully aware of the
13 intricacies of this aspect, the court's ruling and that
14 sort of thing.

15 MR. AMBROZY: Okay. And from our point of
16 view, the court's ruling is basically, we can ask him
17 questions about the monitors, we're not barred from
18 using the terms that appear in the patents; it's just
19 that a lot of those questions are also topics for the
20 expert to testify on.

21 MR. MILLER: Right. They're fact questions
22 that you can ask him about. And if the terms of the
23 patent are necessary for purposes of the examination,
24 then you can use them. If they're not, then they're
25 not.

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1 But we'll deal with that sort of on an ad hoc
2 basis as we go forward, I think, but testimony about the
3 structure of the products that are accused is the
4 subject matter of the deposition and the subject, the
5 issues on which the witness is prepared.

6 Q BY MR. AMBROZY: So to be clear, in Plaintiff's
7 Exhibit 102, the second defense that's on page 7, do you
8 see that in paragraph 38? It's the second defense of
9 noninfringement?

10 A Yes.

11 Q Do you understand that that is the topic on
12 which you're testifying, and that it overlaps with topic
13 1?

14 MR. MILLER: Object to the question, form of
15 the question.

16 THE WITNESS: I cannot answer that question.

17 Q BY MR. AMBROZY: So you don't know if you're
18 being presented here today to testify on the
19 noninfringement defense on page 7 of Plaintiff's Exhibit
20 102.

21 A I'm requested here to just provide the facts on
22 the case based on my knowledge of my experience with
23 products.

24 Q Okay. Did you review Plaintiff's Exhibit 102
25 in preparation for your deposition today, specifically,

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1 paragraph 38?

2 A No.

3 Q If you could also, referring back to
4 Plaintiff's Exhibit 101, where Mr. Miller said that the
5 topics that you would cover today are topic 1 and
6 overlapping topics 9 and 10, so if you could look at
7 Plaintiff's Exhibit 18, topic 10, which is on page 11.

8 A Paragraph 9?

9 Q Paragraph 10.

10 A 10.

11 MR. MILLER: And again, the parties have had
12 guidance from the special master with regard to the
13 scope of appropriate testimony on topic 10, being
14 limited to testimony regarding the structure of the
15 accused products, and that's what the witness is
16 prepared to testify about.

17 I think the other, as we indicated, aspects of
18 the topic that relate to expert testimony with regard to
19 positions and contentions are reserved, as I understand
20 it, for expert testimony, and the witness is not
21 prepared to testify on those aspects of topic 10.

22 MR. AMBROZY: As to the legal aspects. But he
23 is here to testify as to the structure and --

24 MR. MILLER: The facts underlying, yes, the
25 facts known to the company with regard to the structure

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1 of the products.

2 Q BY MR. AMBROZY: Do you want the question read
3 back?

4 A Yes, please.

5 (Record read as follows:

6 "Q If you could also,
7 referring back to Plaintiff's Exhibit
8 101, where Mr. Miller said that the
9 topics that you would cover today are
10 topic 1 and overlapping topics 9 and
11 10, so if you could look at
12 Plaintiff's Exhibit 18, topic 10,
13 which is on page 11.")

14 Q BY MR. AMBROZY: So having read topic 10, do
15 you understand that you are here to testify today as to
16 the portions of topic 10 that overlap with topic 1,
17 which deals with the structure of the ViewSonic
18 products?

19 A Yes.

20 Q Okay. Still in Plaintiff's Exhibit 101, as
21 Mr. Miller stated earlier, we're going to table topic 8,
22 then moving to topic 14.

23 Do you understand that you are here to testify
24 today as to topic 14, which is here in Plaintiff's
25 Exhibit 18, as to the model number aspect of topic 14?

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1 A No.

2 Q Does the supplier indemnify ViewSonic for harm
3 that might come if the tensile strength isn't sufficient
4 and the product injures someone?

5 MR. MILLER: Objection. Beyond the scope of
6 the witness's designation.

7 To the extent you have personal knowledge and
8 haven't learned it as a result of communication you've
9 had with either outside counsel or in-house counsel,
10 you'd be free to testify.

11 THE WITNESS: I have no knowledge of that.

12 That's a legal issue.

13 Q BY MR. AMBROZY: What is your understanding of
14 ViewSonic's basis for its noninfringement defense as set
15 forth in its affirmative defense No. 2?

16 MR. MILLER: Objection. To the extent you're
17 asking him for anything other than facts concerning the
18 structure of the products, I think that goes beyond the
19 scope of what the special master's indicated is proper
20 testimony. So I think he's here to testify about the
21 structure of particular products and not as to the basis
22 for contentions.

23 MR. AMBROZY: And that's what I'm trying to
24 determine. Is there any basis, other than what's been
25 set forth in ViewSonic's interrogatory responses, in

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1 regard to its noninfringement defense?

2 Q So let me ask you a different question. Does
3 ViewSonic have any basis for noninfringement as an
4 affirmative defense, other than what's set forth in its
5 response to LPL's interrogatories?

6 MR. MILLER: Again, I think that's not
7 consistent with the guidance as I understood we got from
8 the special master, which was -- and our conversation of
9 last week, which was that his testimony is really
10 directed to the structure of the products and the
11 implication of the structure of those products is for an
12 expert or someone else to make a determination of, not a
13 30(b)(6) witness.

14 And so the way you phrased the question with
15 regard to basis, other than as set forth in the
16 interrogatory answer, I think improperly implicates
17 attributes of the defense that the witness is not
18 prepared to testify about, or obligated to testify
19 about, based on the guidance we got from the special
20 master.

21 MR. AMBROZY: Here's what I'm trying to
22 determine. He's been identified as a witness for
23 interrogatory -- for deposition topic 9 and 10 as it
24 goes to noninfringement. Affirmative defense subpart 2
25 is noninfringement. And ViewSonic has set forth its

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1 noninfringement defenses in its interrogatory responses.

2 MR. MILLER: He's been identified under 9 and
3 10 as it overlaps topic 1, which is the structure of the
4 products.

5 MR. AMBROZY: Okay. So --

6 MR. MILLER: If there is some -- which, based
7 on our conversation last week, I did not believe that
8 there was any, nor did I understand you to assert that
9 there was any scope of 9 and 10 after the guidance we
10 got from the special master that was beyond the scope of
11 topic 1, which is the structure and assembly of the
12 products.

13 MR. AMBROZY: Right.

14 MR. MILLER: And so that's what he's here to
15 testify about, the facts concerning the structure and
16 assembly of the products. I don't think you can fairly
17 transform that into a question about whether or not the
18 bases for the defense are set forth in the interrogatory
19 responses.

20 MR. AMBROZY: Well, I think we can at least
21 determine whether there's any other infringement --
22 noninfringement defenses that are not listed in response
23 to interrogatory 14. I think that's a fair question,
24 because he's being put up, or you can give us another
25 witness that wants to talk about the basis for each of

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1 the affirmative defenses in this regard, which -- the
2 basis for each of the affirmative defenses is topic 9 of
3 the 30(b) (6) notice. He's being put up in regard to
4 subpart 2, which is noninfringement.

5 ViewSonic responded to LPL's interrogatory
6 No. 14, which asked:

7 "Regarding your second offense,
8 noninfringement, set forth in detail
9 the entire basis for your defense,
10 including stating all relevant facts,
11 identifying all documents on which you
12 rely for this defense, and identifying
13 all persons with knowledge or
14 knowledge relevant to this defense,
15 summarizing each person's knowledge."

16 And ViewSonic set forth in a second supplement
17 certain facts responsive to that. And what I'm trying
18 to determine is, are there any other defenses that are
19 not listed in interrogatory 14 that ViewSonic is going
20 to claim?

21 And since this witness is being put up for the
22 fact basis of the affirmative defense, I think we're
23 entitled.

24 MR. MILLER: Well, first, I think the witness
25 was put up for the fact basis of the defense as it

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1 overlaps topic 1. That was our specific designation.

2 You and I had a conversation with Cormac on the
3 line last week where I thought -- and I don't want to
4 put words in your mouth, but I thought we had agreed, or
5 I didn't understand there was an objection from your
6 side that the scope of what, based on the guidance we
7 had from the special master, he was obligated to testify
8 about under 9 and 10, would be directed to the structure
9 of the products.

10 MR. AMBROZY: Uh-huh.

11 MR. MILLER: And so he can testify with regard
12 to the structure of the products. But how that
13 characterizes into an attribute identified in the patent
14 claim is not within the purview of what he would be able
15 to do.

16 He's not an expert. And as a result, his
17 testimony really, as I understand it, was intended to be
18 directed to -- again, I know it sounds like I'm
19 repeating myself, I'm not trying to, but it's really
20 directed to the structure of the products similar to
21 what you've done this morning, with VP2030b in terms of
22 what are the components, where are they, how are they
23 aligned. But as to how those components fit within the
24 scope of an argument of the defense to charge with
25 infringement is an expert part of the testimony. And

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1 that would be something that the expert would be
2 obligated to provide testimony about.

3 MR. AMBROZY: All right. So as long as we're
4 clear that we're going to get a witness on that topic, 9
5 and 10. If it's the expert, it's the expert.

6 MR. MILLER: My understanding is that was what
7 we talked about, are that those are the types of things
8 that were going to be left to expert testimony. And if
9 we don't have an expert, then I guess we don't give you
10 a factual witness here, then we'll be in a different
11 situation than we'd like to be at trial.

12 MR. AMBROZY: All right. So just to be clear,
13 Mr. Jue is here to testify as to the structural aspects
14 as they overlap, but not infringement defenses, and
15 topics 9 and 10, but a witness will be provided to allow
16 us to question on the basis for the interrogatory
17 responses and so forth.

18 MR. MILLER: So the contention with regard to
19 whether or not that structure meets the requirements of
20 the claim would be what we would expect to come through
21 expert testimony.

22 MR. AMBROZY: Okay.

23 MR. MILLER: The same was true in the validity
24 side, or the infringement side, from the LPL witnesses.
25 We were not going through and asking to correlate those

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1 things, and we're expecting an expert from LPL to
2 address those issues as well.

3 Q BY MR. AMBROZY: Does ViewSonic keep any
4 categorization of its mounting systems?

5 A

6

7 Q So other than what we looked at before -- the
8 VT, the VE, the VA, VX, and VG -- is there any other
9 categorization of ViewSonic products that it keeps?

10 A

11 Q So again, if ViewSonic comes up -- if your
12 marketing department comes up with some type of monitor
13 that would meet a customer demand, does ViewSonic then
14 communicate to its suppliers how best to build that
15 product?

16 MR. MILLER: Objection. Vague and ambiguous.

17 THE WITNESS:

18

19

20

21 Q BY MR. AMBROZY: Then why does the marketing
22 department at ViewSonic pass along its product ideas to
23 an engineering department? Why don't they speak
24 directly with the supplier?

25 MR. MILLER: Objection. Calls for speculation,